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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,156	01/15/2002	Yosato Hitaka	03500.016097.	8866
5514	7590	03/16/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			SINGH, SATWANT K	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/045,156	Applicant(s) HITAKA, YOSATO	
	Examiner Satwant K. Singh	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This communication is in response to the amendment filed on 04 January 2006.

Response to Arguments

2. Applicant's arguments filed 04 January 2006 have been fully considered but they are not persuasive. Applicant argues that the prior art of Sasaki (US 6,633,400) is not seen to disclose or to suggest at least the feature of a print ordering apparatus discriminating whether a printer information description file stored in the print management apparatus is updated, and then downloading the printer information description file from said print management apparatus based on the discrimination result. The examiner respectfully disagrees. The CPU 11 of the printer server 210 executes the automatic update program 201 to determine if the printer description file 6 in the printer description file directory 223 has been updated (Fig. 6). If the file has been updated, the CPU 11 outputs the updated printer description file to each of the client PCs 30 from the printer server apparatus 210 (col. 15, lines 66-67, col. 16, lines 1-4).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 33, 36, and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Sasaki et al. (US 6,633,400).

5. Regarding Claim 33, Sasaki et al disclose a print ordering apparatus (Fig. 5, client PC 30) for ordering print by communicating with a print management apparatus (Fig. 5, printer server apparatus 210) via a network (Fig. 5, communication network 40), comprising: discriminating means (Fig. 6, automatic update program 201) for discriminating whether a printer information description file (Fig. 6, printer description file 6) stored in said print management apparatus (Fig. 5, printer server apparatus 210) is updated (Fig. 6, automatic update program 6) (Fig. 7, S12 and Fig. 8, S25 –S27) (col. 15, lines 25-67, col. 16, lines 1-4); downloading means (transferring or copying) for downloading the printer information description file from said print management apparatus in accordance with a discriminating result of said discriminating means (print description file is transmitted from the printer server apparatus 210 to the client PC 30 through the communication network 30) (col. 14, lines 18-22); and forming means (printer apparatuses 250) for forming print data in accordance with the printer information description file (print processing) (col. 11, lines 53-58).

6. Regarding Claim 34, Sasaki et al disclose a print ordering apparatus, further comprising: obtaining means for obtaining a list file of printers with which said print management apparatus is capable of communicating (names of the apparatuses 250 are listed in the printer description file) (col. 12, lines 55-65); judging means for judging whether printers listed in the list file are capable of printing the formed print data

(property file) (col. 12, lines 16-27); displaying means (display portion 36) for displaying the printers in accordance with a judgment result of said judging means (client PC 30 is described) (col. 13, lines 30-40) (property files selected thru client PC 30) (col. 11, lines 8-20); selecting means for selecting one of the printers displayed by said displaying means (one of the property files is selected thru the client PC 30) (col. 11, lines 8-20); converting means for converting the formed print data (property data) into a print order file (property data is described in a property file) corresponding to the printer selected by said selecting means (one of the property files is selected by the client PC 30) (col. 11, lines 4-20); and uploading means for uploading the print order file to said print management apparatus (property file is transmitted from a client PC 30 to the printer server apparatus 210) (col. 11, lines 23-26).

7. Regarding Claim 35, Sasaki et al disclose a print ordering apparatus, wherein said print management apparatus transfers the print order file so that the printer prints the transferred print order file, and wherein the printer effects printing on the basis of a file generated based on the print order file (printer server apparatus converts the print data into bit-map data in accordance with the set print property) (col. 14, lines 24-45).

8. Claims 36 and 37 are rejected for the same reason as claim 33.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Taima (US 6,594,031) discloses a printer control system including a printer control device for controlling plural printers connected thereto via a network and providing image data transmission to plural printers by using a single bitmap memory.

Fisher (US 6,762,852) discloses print feature selection based on a combined features of several printers.

Shiohara (US 6,804,019) discloses a print data generation system that is compatible with a plurality of printers of a printing network.

Davis (US 6,922,256) discloses a method and apparatus in a data processing system for transferring printer data.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satwant K. Singh whose telephone number is (571) 272-7468. The examiner can normally be reached on Monday thru Friday 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satwant Singh

sks

Satwant K. Singh
Examiner
Art Unit 2626

K Williams
KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER